

11/15/88
Minutes of a Regular Board Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, November 15, 1988 at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Louis Boschetti, Councilman
Denise Civiletti, Councilwoman
Robert Pike, Councilman (arrived at 8:02 p.m.)

Also Present: Patricia Moore, Town Attorney
Nadia Moore, Deputy Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Minutes of Regular Board Meeting of October 18, 1988 be and are hereby dispensed with and approved without objection.

The vote, Boschetti, yes, Pike, absent, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Civiletti.

RESOLVED, that the Minutes of Special Board Meeting of November 7, 1988 be and are hereby dispensed with and approved without objection.

The vote, Boschetti, abstain, Pike, absent, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports."

REPORTS

Councilman Boschetti, 11/1/88-Capital Facilities.

Filed

S.C. Dept. of Public Works-Supplemental report to evaluation of Riverhead Municipal Sewage Treatment Plant.

Filed

Arthur Young-Final Computer Report.

Filed

Conservation Advisory Council, 11/2/88-Recommendations re: Cross River Project.

Filed

Open Bid Report-Water District Extension 42.
(See Water District Minutes)

Filed

REPORTS Continued

Open Bid Report-response to RFP for Sewer/Scavenger Waste District. (See Scavenger Waste Minutes) Filed

Open Bid Report-Sale of Police Boat. (No bids submitted) Filed

Supervisor Janoski, "Thank you. Applications."

APPLICATIONS AND PETITIONS

National Survival Games-Vegetation Inventory for Special Permit Application. Filed

Site Plan-Suffolk County National Bank-addition to parking area at Ostrander Avenue. Filed

Site Plan-7-11 Store, Wading River elevations. Filed

Petition-Water Extension for Fox Meadow. Filed

Site Plan-Renovation of "The Griffing Building". Filed

Site Plan-Peconic Office Building, Peconic Avenue. Filed

Supervisor Janoski, "Thank you. Correspondence."

CORRESPONDENCE

Annette Hollander, 11/2/88-Requests Town Board to reject Long Lake proposal. Filed

Rev. Donna Schaper, 11/2/88-Thanking Town Board for correcting Newsday's error re: statement about incineration. Filed

Herbert & Margaret Holland, 10/25/88-Requests that DEIS of Long Lake be rejected. Filed

William Welsh, 11/2/88-Expresses support for repairs to the Jamesport Community Center. Filed

Southold Community Development Agency, 11/4/88-An invitation to the Parents Support Program dinner. Filed

Wading River Fire District, 11/3/88-Advising of correction re: hydrant rentals. Filed

Vivienne McConnell, 10/28/88-Objects to Long Lake project. Filed

Sherry Johnson, 11/6/88-Commenting that a change of zone on Route 25, Calverton for one applicant is spot zoning and inappropriate before hearings are held on the Farmland Plan. Filed

CORRESPONDENCE Continued

Raymond Collins, 11/1/88-Objecting to development on the Northville site. File

Barbara Lattuso, 11/1/88-Urges Board to reject the DEIS of Long Lake. File

John V.N. Klein, 10/27/88-Expressing direct and unequivocal refutation that the 9/26/88 report from the Agricultural Task Force is a majority opinion. File

A. Lawrence Galasso, 11/13/88-Open Letter to Ms. A. Graff's open letter to Town Board re: East Creek Marina. File

Supervisor Janoski, "Thank you. The time for the first public hearing has not yet arrived. We have a very lengthy list of Unfinished Business and you can see what its status is from the agenda. I would recognize anyone who wishes to be heard on any subject including anything on the agenda. That being the case, let's take up the resolutions."

Resolutions #706-720 found on pages 1310-1334 of the 1988 Resolution Book.

Supervisor Janoski, "Let the record show that the hour of 7:45 p.m. has arrived. The Deputy Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public hearing to be held on November 15, 1988 at 7:45 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Special Permit Application of William Hubbard.

Supervisor Janoski, "Thank you. Is there anyone representing the applicant?"

Allen Smith, Attorney, (displays site plan map) "The proposal that is before the Board this evening is an application by Mr. William Hubbard who is present here with the blue tie in the front row, to improve his duck farm which is situate south of the railway tracks and west of County Road 105. More for the benefit of those present who may wish to address the obligation, this project has been before the Board for a considerable period of time during the environmental quality review. Some of the changes that can be noted from the earlier presentations are the inclusion thereon of the New York State Department Environmental Conservation wetland buffer at 100 feet from the delineated wetlands. The elimination of any of the grassy areas that were formally occupying the middle of the site and the movements of the buildings more toward the center of the site than along the periphery. Again, the project consists of 78 acres. It is proposed to construct thereon 380 units. It is a staged development. You can imagine or anticipate with this particular economy that appears to be on the horizon, that assuming the project will be viewed favorably by this Board and the other Boards that have jurisdiction over it, that it would be developed in

Allen Smith, Continued

a stage and manor probably over a period of some two to four years. Again, what is before the Board this evening is the conceptual idea of the use at this particular location. If again, you were to view the project favorably, similiar to other projects of this nature that you have had before you, the details of layout, road drainage and things of those nature would be considered by the Planning Board in the condominium map review procedure. And again, by this particular Town Board in terms of the site plan review process. What is before you is the conceptual idea and now the environmental background in which that conceptual idea occurs. Put simply, this property has been zoned for this particular use for about two decades. The Master Plans that are in place and the Master Plans that have been proposed all view this particular area as an appropriate area for higher density residential uses as it is currently zoned for. It is submitted to the Board by the applicant that if there is a site in the Town of Riverhead where a high density use is appropriate, this is the site. It is probably the only site that you have in such close proximity to the Riverhead sewer system of this size. It is naturally buffered from all surrounding areas. And like any other area that you might consider, it has access onto County Road 105 with reference to the traffic concerns. Theoretically, I would say to you that if there is a place in the town where you would want yet even a higher density than the particular density that is required or called out here by Mr. Hubbard and his people, this would be the place to do it. Simply because of all the traffic considerations, the access considerations and the other public service considerations and its proximity to downtown. If such a density is not appropriate here, I don't know where it is appropriate in terms of all the environmental control. That having been said, we'll let anybody else address the Board that may wish to and to the degree that you would like a response, I will do so."

Supervisor Janoski, "Thank you Allen. Anyone present wishing to address the Board on the matter of this application for a special permit? Yes."

Jean Mariner, Peconic Bay Task Force, "Thank you for allowing me to speak. The Peconic Bay Task Force would like to comment on the special permit application for William Hubbard on the proposed Cross River Project located in the Riverhead Township Coastal Zone abutting Saw Mill Creek. A tributary of the Peconic Estuary System. As you know, Peconic Estuary has been severely debilitated by the Brown Tide organism. The coastal waters between the two forks of Eastern Long Island are diseased. All the municipalities and agencies sharing jurisdiction over the estuary have recognized the seriousness of this situation and indicated their resolve to share in the responsibility for restoring the Peconic to good health. At this time, it's very important to prevent any new stress to the estuary system. Further pollution will compound the degradation and make what is not a manageable restoration project an impossible clean up. Because of the crisis, the Peconic Bay Task Force is obliged to speak out on any plans or projects that may further adversely effect the coastal waters. It is important for a municipality sharing the estuary to keep in mind at all times, that what happens in one part

Jean Mariner, Continued

of the Peconic can effect the whole estuary system. The bays and creeks and rivers are interconnected as the movement of the Brown Tide Algae Bloom showed. The Brown Tide was a symptom that the whole system was sick. With regard to the Cross River Project on the Saw Mill Creek at the head of Flanders Bay, the Peconic Bay Task Force that lack of complete environmental information makes it difficult at this time to fully evaluate the potential consequences of the project. We can state however, that the scope is much too large and dense for any waterfront project in a sensitive area such as the Saw Mill Creek area. It was in this very surrounding where the Brown Tide was first noticed in 1985 and from whence it spread throughout the Flanders, Peconic, Gardiner's Bays and through Shinnecock Canal to the South Shore Bays. This area is already severely impacted from the cumulative effects of the various pollutants feeding into the estuary from point and non-point sources. The Riverhead Town Board should be well aware of these problem sources. However, you may not be aware of the information on cumulative impacts of individual shoreline projects that resulted from the five-year Chesapeake Bay Study. This data shows that it was the cumulative effects of individual projects that resulted in the near demise of the Chesapeake Estuary System in the search for the good life and it was almost destroyed. Evidence from the Chesapeake can serve as a guide for the townships who share the Peconic Estuary. If the cumulative impacts of shoreline development and marina expansion are not carefully weighed, the demise of the Peconic is a certainty. We all know that the Brown Tide had a serious effect on the East End economy. A dead waterway will bring disaster to the economy as well as the recreation and health of all the citizens in the towns on the Peconic waterway. The Peconic Bay Task Force therefore, calls for curtailment of further pollution to the Peconic Estuary System and asks the Town of Riverhead to consider all shoreline proposals including the Cross River Project with utmost care and scrutiny, weighing all the consequences of any action you may take. Members of the Task Force are available for assistance in environmental determinations. One further thought. The programs developed for the restoration of the Chesapeake have proved that in the battle between conservationists and commercial interests, the relationship between natural resource conservation and basic human needs, is not necessarily antagonistic. With reason and patience and good leadership, the two can co-exist. And I have some other information for you."

Supervisor Janoski, "Submit it to the Clerk please. Thank you. Is there anyone else present who wishes to address the Town Board on the matter of the special permit application? Yes sir."

James Deegan, Riverhead, "I border on this property off of Hubbard Avenue. My only concern about it is traffic on Hubbard Avenue which is getting bad already. Because people who use Hubbard Avenue to get to 105 go across over there. It's going to bottle up the traffic on 105. I don't know how close that is to me but I just don't want people running up and down my street and crossing the tracks and running over to the other side. The ecology part of it, I know there is a lot of wildlife but I think there's some way that can be handled. I'm just interested in the traffic problem."

Supervisor Janoski, "Thank you. Yes sir."

Robert Deluca, "I'm here this evening as a representative of the Suffolk County Department of Health Services, Office of Ecology. Our department has reviewed the proposal. And our comments this evening are based largely on the general information disclosed for the environmental review process as the project sponsor has not yet submitted an application for development approval to our department. We note that we consider the draft and the final impact statements for this proposal is incomplete because of their lack of site plan details and alerted the town to this concern in our previous comments. With respect to our general comments this evening, we remain concerned with the lack of design details provided by the applicant. We believe the lack of project specifics compromises the impact assessment ability of involved agencies and the public. And therefore is contrary to the full disclosure of potential impacts as directed by the State Environmental Quality Review Act. We also believe this situation significantly limits the Town Board's ability to make it's most well informed decision regarding the appropriateness of the proposed special permit use of the subject site. In our opinion, providing for the disclosure of project details after special permit use approval, commits the Town to the action and can reduce the degree of impact mitigation and design flexibility which may be required to meet the objectives of the Town and to achieve adequate protection of natural resources. And I'd like to submit the following recommendations on behalf of the department. With respect to the site plan, we recommend that the Board require a detailed site plan be submitted by the applicant for the Town Planning Staff and involved agency evaluation prior to making its decision regarding the special permit use. The site plan should contain details sufficient for technical assessment of grading and drainage plans, open space and wetlands protection and outline the man-made ponds and building locations. We note that our department specifically requested this information at the earliest stages of project review and this is outlined in our correspondence to this effect dated March 11, 1987 and February 8, 1988. We also note that a detailed site plan is a specific requirement of a special permit application procedure outlined in the town zoning code. We believe the application should remain incomplete until a site plan is received and the public and involved agencies have been provided appropriate time to comment on the project's design details. Secondly, I'd like to talk about sewage treatment needs briefly. In view of the fact the town has just initiated a process to investigate sewage treatment and disposal alternatives, we recommend the site be examined in the context of wastewater management needs for the area to ensure that maximum protection of the Peconic Estuary, Flander's Bay and groundwater quality are all taken into consideration. And finally, I'd like to say a little about alternatives. We request that the Board give consideration to the magnitude and the intensity of the proposed action in its evaluation of the special permit application especially as it relates to the public health and welfare and to the use of adjacent areas. Specifically to the adjacent County Parkland. We're especially concerned about the future impacts on sewage treatment, water supply facilities, open space wetlands and surface water protection and adequate buffering of the adjacent parklands. We continue to believe that a reduction in the proposed

Robert DeLuca, Continued

density of the project can offer an increased design flexibility necessary to better address these above mentioned concerns. The Board should also consider the public acquisition for the project. That has been recommended. And address this alternative in its findings to the application. In conclusion, based on the information available to our agency, we believe many substantive questions and concerns regarding this subject application remain unresolved. We believe the information available is insufficient to provide the Town Board, our agency and the general public with details necessary to make a well informed decision about the appropriateness of this proposal. We are very concerned that the information requested by our agency through the SEQRA process over a year ago was never provided and that the application currently before the Town Board appears to be incomplete. I appreciate the opportunity to provide you with comments regarding the application and I thank you for your time and attention. I will submit these comments written to the Clerk."

Councilman Pike, "Mr. DeLuca, a site plan obviously has a lot of different interpretation. Before you leave, could you share with us the level of design engineering you're talking about that you would think appropriate in this case because you've used the word site plan over and over again. I'd like to know what your office thinks as appropriate."

Robert DeLuca, "What we're looking for, and I think this is something we request of other towns and particularly with respect to something where there's going to be a draft impact statement and a final impact statement on, is something which gives us some substance to evaluate. And by that I mean, we need to see what are the contour elevations, what is the project proposing to do to existing contours, what is the delineated wetlands boundary, in this case, as per the D.E.C. with regulatory authority, what are the recharge basins, where are their locations. With respect to things like retention pond areas, there are a lot of specifics which can be included both through design and through discussion in terms of what is the bottom going to be to maintain the water. What is a maintenance plan for this? Are they going to be aesthetic? Are they going to be for wildlife benefits? So while a picture like this, again this is a little bit more detailed than even I've seen."

Councilman Pike, "That was my next question."

Robert DeLuca, "It's more helpful than what we've seen in the impact statement. It's still... It's difficult for particularly me unit to assess the environmental impacts with respect to road runoff, areas of impervious surface, recharge, potential impacts on groundwater, etc. So it doesn't have to be a 45 page plan with every single possible element which would be required prior to filing a map. But a general indication that shows some of the natural resources and how they're going to be effected by the project, I think is imperative to both the SEQRA process and to a special permit review."

PUBLIC HEARING, Continued

Councilman Pike, "What you're not talking about is water system layouts, drainage system layouts acceptimatically. I did not hear you say sewer layout."

Robert DeLuca, "That would also be.... Again, utilities are helpful to us. But from an initial evaluation, particularly with an impact statement, my unit in particular is looking at natural resource concerns. Certainly utility layouts are helpful. At this point, knowing the depth of the groundwater and knowing that the sewers would generally be located in the areas where they usually are in site plan, it would probably be enough. It certainly would be more helpful but basic natural resources information for my unit, is most important. And that at the application stage when the applicant comes before the Health Department, these other particularly utility layouts, are requested in any case. So they are going to have to be prepared."

Councilman Pike, "I just wanted to... There's a balance you have to strike between the hypothetical nature of the permit and the level of detail you need to evaluate whether it should get a permit. I just wanted to see where you struck that balance."

Robert DeLuca, "Ok. Thank you very much."

Supervisor Janoski, "During the presentation, you mentioned one thing that caught my attention. That was public acquisition. Public acquisition by whom?"

Robert DeLuca, "To the best of my knowledge, the Suffolk County Legislature or one of the Suffolk County Legislators had in the past, discussed that as a possible alternative. Now the reason I can't proceed any further with telling you what's going on with that, I'm not aware of it."

Supervisor Janoski, "Well very often the Suffolk County Legislator proposes acquisition but by the town. Is that what you mean here?"

Robert DeLuca, "What I'm saying is that I don't know.... Again, I don't know how much of this has gone to the town. I just know that this is the information which I have."

Supervisor Janoski, "I'm not aware of that. I was very much interested in that because every time somebody proposes something, somebody wants to ask that the town purchase it. Steve."

Steve Haizlip, Calverton, "Stay here sir."

Supervisor Janoski, "Steve, you talk to us and then we'll see if he has to answer the question."

Steve Haizlip, "Well, that's why I want him to stay here Joe because he's going to have to answer it any way."

Supervisor Janoski, "He's sitting right there."

PUBLIC HEARING, Continued

Steve Haizlip, "You really reprimand me every time I come up here about wanting to speak."

Supervisor Janoski, "I do not. You've got to talk to us."

Steve Haizlip, "I always talk to you people. You get me so aggravated like Mr. Kasperovich."

Supervisor Janoski, "The young man is sitting right there in the front row. I know he can hear you."

Steve Haizlip, "He's going to have to come back and talk to the mike."

Supervisor Janoski, "He's a young guy. He can get up."

Steve Haizlip, "What I want to know is he mentioned about detailed maps. Now, in my world that I work in and you mention a detail, you're talking about an individual item and there will be a print or a map made up of that detail. Then if you take the detail, you go into a final or final assembly or completed lot or project, then you've got a completed map of that. Now, is that what he had in mind that a detailed map has got to be of each condominium or each house so to speak. That's the question I want answered."

Supervisor Janoski, "Thank you Steve. Could you answer that question? You have to come back up to the microphone and once again, say who you are." Let me just say this is a legal proceeding. They are transcribed. The microphone can't identify who is speaking. So that we have to have that as part of the record."

Robert DeLuca, "In response to your question sir, I'm not talking about a detailed plan for each individual condominium unit but rather a plan for the entire site with respect to roads. Outline where the buildings will be, drainage structures and this type of thing."

Steve Haizlip, "Ok. I'm starting to get you."

Supervisor Janoski, "Thank you both very much. Is there anyone else present who wishes to address the Board? Mr., George, C.A.C."

George Bartunek, C.A.C., "The most recent site plan of the Cross River Project was submitted to the C.A.C. for review and we reviewed it our regular meeting of October 20th. The following letter addresses comments that came from that C.A.C. meeting and I will read this letter. The C.A.C. reviewed a recent site plan for this project as submitted by Mr. Allen Smith. The following observations and recommendations are hereby forwarded to your Board (the Town Board) for consideration. Number one, there does not seem to be any significant alterations to the recently submitted site plan when compared to the original sketch of December 22, 1986 or the site plan of June 29, 1987. On June 27, 1988, the C.A.C met with the principal individuals involved in this proposal. The C.A.C. offered very specific recommendations to these individuals at that

PUBLIC HEARING, Continued

George Bartunek, Continued

time. We were in agreement that our recommendations would be taken into advisement. They apparently have not been given such consideration. Number two, the C.A.C. recommends that a site plan be submitted to the Town Board with details of all drainage systems that must be developed for the site. An independant consultant should then be retained to assess the feasibility of this plan. This is also the recommendation forwarded to the Town Clerk from the Office of Ecology, Suffolk County Department of Health Services in a letter of March 11, 1987. Further recommendations made in this letter should also be reviewed by the Town Board. Number three; the C.A.C. recommends that a detailed plan be developed which will indicated the exact extent of the areas which will be lawns. We are all aware of the threat of fertilizers to the Peconic Bay Estuary and the need to make detailed assessments of those areas surrounding the bays which could prove environmentally detrimental due to the leeching of surface flow of fertilizers, pesticides, herbicides into these fragile bodies of water. Number four; in accordance with recommendations made by Dr. Robert W. Johnson, consultant for Mr. Roy Haije and Consultants, Inc., Southampton regarding this project; the older woods in the easterly region of the site should be preserved as an aesthetic buffer for the project and a buffer between this proposed development and the Suffolk County Park at Indian Island. These woods are also significant in that they will provide, in at least some vestige of a natural environment for the wildlife in this area. Although these woods are shown to be preserved in the northeastern area, a road is indicated to pass through these woods in the southeastern area. And you can see this on the map in front of you here. The next paragraph, in addition to reviewing the recommendations of the C.A.C., Dr. Robert W. Johnson and the Office of Ecology, letters of March 11, 1987 and also February 8, 1988; we're recommending that you review the comments made by the North Fork Environmental Council, April 21, 1987. In conclusion, it is the opinion that the scale of this development would be very taxing to the natural ecology of the coastal area and will be detrimental to the quality of the Peconic Bay Estuary. Thank you very much."

Supervisor Janoski, "Thank you. Yes."

Paul Baker, Riverhead, "I'm the President of the Organization of Riverhead Civic Associations. Dear Riverhead Town Board: This town has committed itself to intelligent planning and we thank you for that wisdom. Tax impact on the residents of this town must be a major concern of land use. Increasing density of populations without concern for need of new supportive services such as; schools, police and waste treatment is not part of intelligent land use. This project on the Hubbard Farm proposes 380 units on about 80 acres of land. Somehow these units will discriminate against a population needing supportive services. We are unsure that the owners can prevent this burden to our taxes. This proposed density has not adequately addressed these concerns at this time. We would hope that your committment to intelligent planning will continue. We hope that you will reject this special permit to increase

PUBLIC HEARING, Continued

Paul Baker, Continued

densities until the potential tax impact to the taxpayers of the Town of Riverhead is honestly addressed. Our school district has asked you to consider these impacts and we join them in asking you to protect us today. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board on the matter of this application? Sherry."

Sherry Johnson, Manorville, "Since this is the public hearing and not the scoping hearing and we get to discuss the project fully tonight, I will do that. I've decided to take a different approach. And rather than write a long speech, I've simply listed the reasons why I oppose the project. I oppose the Cross River Project for the following reasons; because it is adjacent to the Saw Mill River system. Because it is adjacent to a critical environmental area. Because the D.E.I.S. and the F.E.I.S. fail to identify and discuss the nine plus acre parcel east of Route 105 also owned by the applicant. This site could also be developed at a later date to provide marina facilities for residents of this project as the parcel is east of the 105 bridge. The impact of such should have been discussed. Because it will result in the destruction of valuable wildlife habitat. Because it will contribute to the degradation of water quality in the Saw Mill River. Because it will contribute to the eutrophication of the Saw Mill River. Because it, at one point, proposed to cross county land to gain access to 105. As a county resident, I didn't feel that that was an appropriate use of our parkland. Because the applicant is requesting an outrageous density and the town is not preserving anything to balance the increase as there is no transfer of development rights involved with this application. Because there has not been a specific plan drafted for the management of Saw Mill River corridor that could be used to evaluate the impacts of this proposal. Because this project is not a true cluster which would preserve a portion of this site. This project is spread out over almost the entire site. Because it will have an adverse impact on the Peconic Estuary and Bay system. Because the method of wastewater treatment has not been determined. There is currently a moratorium on public sewer hook-ups. And the E.I.S.'s did not address the multitude of additional impacts that would be caused by an on-site system. Because every study that I have ever read including the 208, the Route 58 Corridor, the plan for coastal areas in Riverhead and the 1973 Master Plan, recommend preservation of our inland river corridors, freshwater wetlands and bay creek tidal wetlands. And because it asks for an increase in density on an environmentally sensitive site. And because the site plan does not reflect natural resource preservation. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to be heard? Mary Beth."

PUBLIC HEARING, Continued

Mary Beth Andresen, Aquebogue, "Members of the Town Board, I urge you to deny this application on the following: The application appears to be lacking the Planning Board approval. A highly irregular manner of proceedings in this town. I feel that without the Suffolk County Office of Ecology approval, this Town Board approval would be arbitrary at this time. The effect of a high density population on the estuary for the lands is ridiculous to even entertain. Our Peconic Bay is compromised with the Brown Tide. The further impacting of this density on our Riverhead schools must be taken into consideration. Gone are the days of white picket fence and the single family dwelling. Instead they're yielding to condominium dwellings that families are being raised within. One only has to look to our west at the Calverton Hills Condominiums and the school population that resides there. And on these basis, I'd urge you to please deny this application. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present wishing to address the Board? Yes."

Betty Brown, "Representing the North Fork Environmental Council. The concerns raised by the public and other agencies have been seriously glossed over with no concrete mitigation measures provided. The sponsor suggests that these concerns be dealt with during the special permit review process. We respectfully point out to the Board that this is illegal and violates the hard look impact analysis required by the State Environmental Quality Review Act. The concerns also listed by your Planning Department have been omitted from the study and from the development. How is the public, no less the decision makers, expected to properly evaluate any proposal that has not included necessary information? It is well understood that the engineering plans, surveys, site plans, are all very costly and have not been provided as a part of this application by the developer. Because of these omissions, we stand uninformed on all serious matters. In regard to public acquisition, the Environmental Council is aware of correspondence as early as June and recent as October from Legislator Blass to the Riverhead Town Board describing a possible town and county venture to acquire whole or part of this parcel. To date, we know of no response from the Town Board. It is also well known that the attorney for the applicant has threatened county officials with legal action. Thus preventing the county from entering the parcel to determine if the site is suitable for acquisition. This is counterproductive. We urge the Board to give great consideration to this alternative as realistic. I hope the Board shares the concerns of the Environmental Council regarding the impacts of the project and the lack of information available. We are working with the Town Board toward a rational plan to preserve open space in Riverhead. The segmented approach to save space between buildings is tantamount to not saving any space at all. We agree with the concept of planning to increase density in certain areas within town and the corporation of transfer of development rights. This is not one of those areas. Peconic Bay remains a priority. We are concerned in regard to the overriding need to reverse pollution in the Peconic Bay Estuary and restore good health to our waters. This project attempts to over-develop the site with extreme human activity and landscaping that could only cause future pollution and further devastation. We care for protecting quality

PUBLIC HEARING, Continued

Betty Brown, Continued

of life that we now enjoy. Four-hundred automobile trips per hour on Hubbard Avenue will only increase traffic problems. The following are quotes from the summary plan 208, area wide waste treatment management study. And I bring these to your attention because the applicant states that the project is in keeping with the 208 Study. In section three; alternative wastewater management program subsection 3.1 objectives, states that the various alternative wastewater management programs all have as their general objective the development of a comprehensive management plan for the treatment and disposal of waste to protect the public health and the natural resources of Long Island in the 208 region. Subsection 3.1.2, natural resources objectives states that the loss of wetlands such as marshes, swamps and low lying areas adjacent to streams increases erosion. Filtration and the runoff of nutrients and chloroform bacteria to surface waters. Section 4, environmental assessment discusses plans for water quality preservation in zone 4, specifically section 4.3.4 states that any sewage treatment plant outfall should be excluded from the creeks of Peconic, Flanders Bays. Currently existing wetlands in zone 4 are critical to the maintenance to the acceptable water quality in the Peconic Estuary and in the Peconic, Flanders Bay creeks. In section 4.2.1, non-point pollution sources are discussed. The long term primary impacts of proposed controls of which one is large lot development, will have significant benefit in preserving habitats and open space. Estuarine and Bay wetlands ecosystems states that wetlands border Long Island Bays and Estuaries. They play an important role in nutrient cycles, organic matter cycles and marine population life cycles. In addition, wetlands act as buffers filtering the runoffs and siltation input to bays. Thus maintenance of these areas is an important aspect of marine water quality management. In discussing hydrological zone 4, the 208 summary clearly stresses the importance of maintaining wetland areas. Section 6, preferred plan alternatives list structural and non-structural recommendations for the hydrological zones. The first non structural recommendation for zone 4 is to minimize population density by encouraging large lot development. One dwelling unit per one or more acres where possible to protect the groundwater and surface waters from future pollution loading and to provide additional protection for existing marsh and wetland areas. This project does not comply with the spirit of the 208 Study. Over development of these 80 acres should be discouraged and denied. Acquisition should be studied and encouraged. Ladies and gentlemen, if there ever was an area that we wanted to place heavy density development in the Town of Riverhead, this is not one of them."

Dave Goldman , Riverhead, "Mr. Supervisor and Council members. In growing up in Riverhead, I've always been impressed by the hard headed common sense of the folks out here and I'd like to see that continue. Especially as it regards to this project. I think that at a time when our bay is badly polluted and possibly dieing and a time when traffic seems to be increasing daily in the Town of Riverhead, when increased densities are having a detrimental impact on our schools and our tax base and in general, making life somewhat less pleasant and different from the rural and wonderful character of the East End. I think it is only common sense, common sense of the people of this area, that this plan is entirely too dense. It

Dave Goldman, Continued

is in an a bad area. It's very close to a critical environmental area in regards to that Peconic Bay and in regards to the Saw Mill Creek. I know that you councilmembers and Mr. Supervisor, have to take everything into consideration and have to balance the needs of the town and certainly must consider the owner and the developer in this case as well as ourselves. But I think that there is some middle ground that we can come to. Some sort of compromise or alternative rather than this plan. It seems again, as I said, to be entirely inappropriate for the area. And I would only hope that you would reject it. Thank you."

Supervisor Janoski, "Thank you."

Bob Pekar, Calverton, "I don't have a prepared speech or anything. I'm just making comments on what I heard. First of all, as far as I'm concerned, we don't need any more county land in this town. We need a tax base. Acquisition of this land by the county or by the town or by any other non tax paying entity is out. I sometimes wonder why we have a Town Board. We have a project in front of us that obviously in the wisdom of this Board and prior Boards, they have deemed the zoning of this land to be what it is. They haven't done anything to change that zoning. And now when an individual that owns that property, as it all too often happens around here, comes forth with a project. All the do gooders in the world come out of their closets and are going to oppose it. Now when does it come time that a man or woman that owns property zoned a particular way, is going to have the right to develop it within reason. I'm not saying I support this exactly as it is or oppose it. But no one up to this point, has changed the zoning or decided that there should be a change of zoning. Only now when a project comes forth, we hear this. Every time something happens in this town, Suffolk County is here. Maybe it's time that Peconic County should be here. I'm just getting tired as an individual, of seeing Suffolk County in everything that we in this town, want to do. I understand there are legal applications and so forth. But I would hope that this Town Board is going to make a judgment based on all the facts. Well before my time this area was a duck farm. I didn't hear anybody complaining about the sewage then or heard too much about it. Now that it is an abandoned duck farm, everything is well and good. Now it seems to me that we have a dilemma in Riverhead. Protect the river. Protect it from the people. Preserve the farmland. There isn't much left. If you go to the North Shore, protect the Sound. Protect the bluffs. You go to the South Side, you've got the bay. In between, you've got the farmland. Now, something has got to give some place around here. I don't know what it is. We're going to give the river to the ducks. We're going to preserve the farmland so that all the people from the west can come out to the East End and look at the rural Riverhead. But what about the people in Riverhead? What are we going to do? Maybe it's time that we're just going to have to pack up our bags and leave. There doesn't seem to be much choice. All I'm trying to say is there has got to be a happy compromise. The river belongs to the people as well as the wildlife. The people should be able to enjoy the river. When is somebody going to start speaking for the people? And this goes

PUBLIC HEARING, Continued

Bob Pekar, Continued

back to what I have been saying for the past couple of weeks. Riverhead needs a tax base. We have all kinds of residential properties on the agenda. Condo after condo after condo. Whether they're all appropriate or whether they're all good, I don't know. I don't see anything on here that isn't going to raise the number of children going to school and still generate a tax base for the town. I don't hear anything from this Town Board about doing something to develop an industrial base. I see this Town Board willing to spend money on all kind of other projects but I see them not willing to spend money on developing a tax base that will assure the survival of the town, generate income for the town, generate jobs for the children that we are educating in this town. And at the same time, be able to support projects that are going to enhance the quality of life in Riverhead. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on the matter of this application? Is there anyone who hasn't spoke. Steve, if you would like to, you are recognized."

Steve Haizlip, "I'd like to endorse what Mr. Baker said. He says he's president of the Riverhead Civic Association. Now, I would like to elaborate a little farther. The gentleman that just got up said; that we have got condo project, condo projects all in the planning and on the board and we've got lots of them. Now, he spoke about taxes. Now, we know that the snow removal from all these places when it builds up is going to have to have more highway personnel, more equipment."

Supervisor Janoski, "Usually this kind of project, the roads, the internal roadways are private and maintained by the owner. That happens to be the case here. I'm sorry."

Steve Haizlip, "Well I'm glad to hear that as far as the highway is concerned but they can't have their own police force and internal security so to speak. Now, they're talking about services of the sewer. So what I'm leading up to is just like he said. That is going to bring up our taxes and it's not going to be exclusive to these projects that's pending around here and so we're going to have to share in it whether we want to or not. Now, I think that the senior citizens of this town and I'm a senior citizen myself and I'm going to retire soon and I'm not going to be making the money I'm making now. So I'm going to be starting to be hit with all these here services and high taxes and extra protection and all the other gimmicks you can think of. Now, my last comment is; in this particular project, I think somebody here must have worked for a sardine place up in Portland at one time. That's packing a lot of people into one little can isn't it?"

Supervisor Janoski, "Is there anyone else present wishing to address the Board on the matter of this application?"

Allen Smith, "Members of the Board, one of the themes that many of the speakers addressed was an issue of density. I have for your consideration, a incorporation for the record, a pictorial presentation of projects from the towns of Southampton, Easthampton and Greenport and I have others I believe I've shown to the Board on prior occasions, indicating that densities of these magnitudes are not unique. In fact, in the communities of Southampton, Easthampton and Southold, the densities for such sites go beyond what is proposed here. And although people view this particular project at five units to the acre as dense, it is not as dense as 821 East Main Street across the street or the project immediately west of the hospital. The booklets I will hand up to you. But in fact, in the Master Plan and other considerations, this is a moderate density and not a high density and it is not something foreign and unique to the East End this moment in time."

Supervisor Janoski, "Allen, are they going to be part of the record?"

Allen Smith, "Yes. These do not include all the examples that I have previously given to the Board in the environmental review or on other occasions. And I'll provide, although not as well done, photographs and copies of those from the prior record. I believe they're already in the record but we'll amplify it again in this regard. With reference to Mr. DeLuca's comments. I agree and I disagree with Mr. DeLuca. I agree that in the process of reviewing a project such as this, that there is a place for the issues that he has raised such as; whether or not the water should be collected in ponds or whether it should be recharged through recharged basins. But to some degree, he's getting the cart before the horse. This project has not been conceptually accepted by the Town Board. When, as and if it is viewed favorably by the Town Board in terms of general layout, we will get to those issues. He is wrong in saying that you can not control those issues in the site plan process. You can in fact, control such issues in the site plan process. And if you were at a subsequent date, to turn down this project on any one of those, I would believe it's a sustainable. The Mescone-Fairy case that came out of the Village of Greenport a number of years ago, stood for that very proposition. With reference to the issues of sewage treatment to the degree, maybe I should back up. It is familiar to this Board but may not be familiar to the public in general, that the issue of sewage treatment on this particular project is treated very much the same way as you treat the extensions of the water district throughout the balance of the community and have been doing so over the past several years. A project of this size will either have to do on site sewage treatment or hook into the Riverhead Sewer treatment system. There is a number and this particular project, it is approximately a million seven-hundred thousand dollars that is allocated toward sewage treatment. To the degree that the project is viewed favorably and this Board and the Department of Health wishes this project to tie into the Riverhead Sewage system, that million seven-hundred thousand dollars can and should be used for the general improvements within the Riverhead Sewage Plant and defray the expenses intendant thereto to the taxpayer of the Riverhead Sewer system. To the degree that either the county or the town does not wish this particular project to be connected to the Riverhead Sewage Treatment Plant,

PUBLIC HEARING, ContinuedAllen Smith, Continued

an on-site package plant can and will be built approximately for the same amount of money. To the developer of this project or other projects, it is six of one, half a dozen of another. If the town would like the money for the purposes of upgrading the existing facility, fine. There are not an extensive amount of laterals and what not to connect this particular project to the plant. With reference to the concerns of Mr. Bartunek, I'm sorry that the Conservation Advisory Council does not allow me or other people to come to their discussions of this type of a plan. We did make an effort to address the concerns that were voiced by the Conservation Advisory Council. They requested that a further avian study be done on the site with a member of the Conservation Advisory Council. It was in fact done by Dr. Johnson and the site was toured by a member of the Conservation Advisory Council in his presence. They further requested information with reference to an archeological study. It was in fact done and three hundred and some testals that were required, were accomplished on this particular site and the results are part of the record before you this evening. We did eliminate the pitch and putt aspect of this particular job which was in the most westerly portion of the project. We did in fact, move the buildings back from the Saw Mill Creek as requested by the Conservation Advisory Council. We have in fact, met with the New York State Department of Environmental Conservation. The wetlands boundary has in fact been identifieda by them and a 100 foot rather than a 75 foot setback has been placed relative to the Saw Mill Creek Estuary. With reference to the woods on the north, we have set the project back 100 feet from that east boundary. And if you want 200 feet or 300 feet on a site of this size, it can in fact be accomplished in the site plan review process. I guess the only other overall discussion that came up was the question of public acquisition. Public acquisition is not an item that is within the control of Mr. Hubbard or anyone acting on behalf of Mr. Hubbard. If the County of Suffolk elects and wishes to , they have the absolute power of condemnation and may come ahead and take the property provided they have the money and that they wish to do so. On that issue, it was addressed by Dr. Johnson. The Botanist and Biologist specifically coming in to look at this particular site and he called the site sterile. Essentially by reason of the operation of the duck farm on this particular site and the effect this had upon the soil and the condition of this particular property. Dr. Johnson points out, by comparison with other sites that are currently being considered for acquisition by the county such as Pine Barrens areas, Robins Island and whatnot, he would not recommend to anyone that this site be acquired for that particular purpose. Again, if you wish to condemn it or the county wishes to condemn it, you have the power to do and you go ahead and do it. Thank you."

Supervisor Janoski, "Thank you. Any further comment? That being the case and without objection.... Yes."

Florence Sykora, Riverhead, "I'm a citizen here of Riverhead township. I'm just looking through here with special permits and site plans for condos, almost 1,000. Almost a 1,000 of them are being considered. Out of those thousands, what is affordable? What's affordable homes? This here, is there anything affordable out of this for anybody in the low income bracket can live in. Can anybody give me an answer to that."

Supervisor Janoski, "Do you want to answer that Allen. Is that your only question Mrs. Sykora?"

Florence Sykora, "I just want to hear the answer to that."

Allen Smith, "I don't believe so. This particular project is focused upon a recreational facility and a recreational theme which includes tennis courts, a health center, both indoor and outdoor pool and the running tracks and tennis courts and things of that nature. The densities are not high enough to bring down the prices. I believe that when we began the process, it was envisioned that these would come in at an excess of 140 to 150 thousand dollars. Assuming a 10% down payment, the debt service on such unit is not really what I would call a low income available project."

Supervisor Janoski, "Thank you Allen."

Florence Sykora, "Gee, I wish I could have had that when I was young and first married to look forward to a swimming pool, a tennis court and all those things. But I doubt whether the young people in this town will be able to afford anything like this. They are looking for something they can call a home to live in to bring their children up and to also look for some sort of a base. But with this 1,000 condos that's listed, I'm not saying that they are all going happen. But I think you better think of something else to bring in here too so we have a tax base then that we can have this maybe in here. Otherwise, we can not look forward for young people and even to some senior citizens to live in anything like this. It will make a terrible hardship on them and they will no longer stay here. They will go out of this town and there will be nothing here except summer residents if this is what is wanted here. Thank you."

Supervisor Janoski, "Thank you. Any further comment? That being the case and without objection, I declared the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 8:47

Supervisor Janoski, "Let the record show that the hour of 8:47 p.m. has arrived. The Deputy Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, November 15, 1988 at 7:55 p.m. to hear all interested persons who wish to be heard re: The Petition of Landworks Partnership" to construct a lateral water main.

PUBLIC HEARING, Continued

(See Water District Minutes for 7:55 Public Hearing)

7:55 PUBLIC HEARING CLOSED AT 8:50

Supervisor Janoski, "The Town Board is going to take a recess which I can expect, I think we will attempt to be back by the hour of 15 minutes past nine."

TOWN BOARD MEETING RECESSED AT 8:51

TOWN BOARD MEETING RECONVENED AT 9:15

Supervisor Janoski, "The meeting will return to order. We will continue with the resolutions."

Resolutions #722-#725 found on pages 1335-1340 of the 1988 Resolution Book.

#724 ADOPTS ANNUAL BUDGET FOR 1989.

Councilwoman Civiletti, "I just leaned over to Joe and said; what do I do with this because we're still discussing it. This is a resolution adopting the annual budget for the year 1989. This has been my first budget experience and it's been a doozy. I imagine there is going to be, to some extent at least, some discussion on the floor about this, speeches or not speeches. But at this point, I would 724."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 9:20 p.m.

NMM:nmm



Nadia Moore
Deputy Town Clerk